

## RINGKASAN

Dana Otonomi Khusus yang disalurkan Pemerintah sejak tahun 2002 diharapkan dibagi secara adil dan berimbang antara Daerah Provinsi dan Daerah Kabupaten dan Kota di Papua sesuai Pasal 34 ayat (7) Undang-Undang Nomor 21 Tahun 2001 tentang Otonomi Khusus Bagi Propinsi Papua. Konsekwensinya Pemerintah Provinsi Papua harus menyediakan forum dengar pendapat untuk menampung usul dan saran dari Pemerintah Kabupaten dan Kota.

Hasil penelitian mengungkapkan bahwa pembagian Dana Otonomi Khusus menurut Pola Merata maupun Pola Konsultasi dan Pemberian Arah yang diterapkan Pemerintah Provinsi Papua berkarakter wewenang pengawasan atas pelaksanaan penggunaan Dana Otonomi Khusus. Pemerintah Provinsi telah menetapkan terlebih dahulu jumlah dana masing-masing kabupaten dan kota, standar atau kriteria pembagian dana dan mekanisme pembagian dan penyaluran. Akibatnya forum dengar pendapat untuk menampung usul dan saran dari Pemerintah Kabupaten dan Kota tidak sepenuhnya berjalan. Pemerintah Provinsi Papua telah melanggar asas keterbukaan pemerintahan. Akibatnya Pemerintah Provinsi Papua tidak cukup memberikan pertimbangan atas semua kepentingan yang tersangkut, terutama kepentingan “daerah penghasil sumber daya alam”. Berdasarkan asas-asas umum pemerintahan yang baik (hukum tidak tertulis), terungkap bahwa tindakan Pemerintah Provinsi Papua telah melanggar asas motivering. Tindakan Pemerintah Provinsi Papua telah menjurus kepada tindakan sewenang-wenang.

Berdasarkan ketentuan peraturan perundang-undangan pembentukan daerah-daerah otonom kabupaten dan kota di Provinsi Papua, diketahui bahwa pembentukan dan pemekaran daerah-daerah tersebut berasal dari kabupaten induk yang dibentuk berdasarkan Undang-Undang Nomor 1/Pnps/1962 jo. Undang-Undang Nomor 12 Tahun 1969 tentang Pembentukan Propinsi Otonom Irian Barat dan Kabupaten-kabupaten Otonom di Propinsi Irian Barat. Dikaitkan dengan Pasal 1 huruf a dan Pasal 34 UU Otsus Papua, semua kabupaten dan kota di Papua berstatus otonomi khusus. Konsekwensinya berhak atas Dana Otonomi Khusus, termasuk kabupaten dan kota yang menjadi cakupan Propinsi Irian Jaya Barat.



## SUMMARY

Special Autonomy Grant having been allocated by the central government since 2002 is expected to be granted fairly and proportionally to both the province and local as well as municipal governments in Papua according to Act No. 21/2001 Article 34 (7) on Special Autonomy Grant for Papua. As a result, Papua has to generate a hearing forum for eliciting suggestions and advices from the local and municipal governments.

The result of the research reveals that the allocation of Special Autonomy Grant based on Equity, Consulting, and Directing principles undergone by provincial government has a character of controlling the use of Special Autonomy Grant. The provincial government has previously specified the amount of grant for each local and municipal government, the standards or criteria of grant allocation, and the mechanism of allocation. As a result, the hearing forum established to elicit suggestions and advices from municipal government does not work as expected. The provincial government has violated the principle of transparency. The consequence of this is the provincial government does not provide proper consideration towards all relevant interests, mainly the interest of "the natural-resource-producing region". Based on general principles of good government (implied laws), it is obvious that the provincial government of Papua has infringed motivering the principle. The government's conduct has led to improper acts.

In association with the regulations of the establishment of autonomous municipal and local governments in Papua province, the establishment and expansion of these regions are originated from the main municipal developed under the rule of Act No. 1 /Pnps/1962 jo. Act No. 12/1969 on the establishment of West Irian Autonomous Province and Autonomous Municipals in West Irian province. As referred to Article 1a and Article 34 of the Papua's Special Autonomy Act, all municipal and local governments in Papua have the status of special autonomy. Therefore, they are entitled to receive the grant. This also includes municipal and local governments in West Irian Jaya Province.



## **ABSTRACT**

The result of the research reveals that the allocation of Special Autonomy Grant based on Equity, Consulting, and Directing principles undergone by provincial government has a character of controlling the use of Special Autonomy Grant. The provincial government has previously specified the amount of grant for each local and municipal government, the standards or criteria of grant allocation, and the mechanism of allocation. As a result, the hearing forum established to elicit suggestions and advices from municipal government does not work as expected. The provincial government has violated the principle of transparency. The consequence of this is the provincial government does not provide proper consideration towards all relevant interests, mainly the interest of "the natural-resource-producing region". Based on general principles of good government (implied laws), it is obvious that the provincial government of Papua has infringed motivering the principle. The government's conduct has led to improper acts.

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Keyword :

- Special Autonomy Grant
- Provincial, local and Municipal Governments
- Fair and Proportional Grant Allocation